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Serial No.: 09/844,517  
Filed: 04/27/2001  
Group Art Unit: 1648

Claim 4 (16) (currently amended): The composition of claim 2 ~~44~~, wherein the pol I promoter is proximal to the polyadenylation signal and the pol I terminator sequence is proximal to the pol II promoter.

Claim 5 (17) (currently amended): The composition of claim 2 ~~44~~, wherein the pol I promoter is proximal to the pol II promoter and the pol I terminator sequence is proximal to the polyadenylation signal.

Claim 6 (19) (currently amended): The composition of claim 1 ~~15~~, wherein the influenza virus is an influenza A virus.

Claim 7 (20) (currently amended): The composition of claim 1 ~~15~~, wherein the influenza virus is an influenza B virus.

Claim 8 (21) (currently amended): The composition of claim 6 ~~19~~, wherein the viral genomic segment (i) encodes a protein selected from the group consisting of a viral polymerase complex protein, M protein and NS protein; and (ii) is derived from a strain well adapted to grow in cell culture or from an attenuated strain, or both.

Claim 9 (22) (currently amended): The composition of claim 6 ~~19~~, wherein the viral genomic segment comprises hemagglutinin (HA) gene, or neuraminidase (NA) gene, or both; wherein said genes are from a pathogenic influenza virus.

Claim 10 (23) (currently amended): The composition of claim 6 ~~19~~ wherein said composition comprises one or more plasmids having a map selected from the group consisting of pHW241-

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PB2, pHW242-PB1, pHW243-PA, pHW244-HA, pHW245-NP, pHW246-NA, pHW247-I1, and pHW248-NS.

**Claim 11 (24) (currently amended):** The composition of claim ~~6~~ **49**, wherein said composition comprises one or more plasmids having a map selected from the group consisting of pHW181-PB2, pHW182-PB1, pHW183-PA, pHW184-HA, pHW185-NP, pHW186-NA, pHW187-NA, and pHW188-NS.

**Claim 12 (25) (currently amended):** ~~An isolated~~ host cell comprising the composition of claim 1  
15.

**Claim 13 (26) (currently amended):** ~~An isolated~~ host cell comprising the composition of claim 7  
20.

**Claim 14 (27) (currently amended):** ~~An isolated host cell comprising the composition of claim 6~~  
~~19.~~

Claim 15 (28) (currently amended): ~~An isolated~~ host cell comprising the composition of claim 9  
22.

**Claim 16 (29) (currently amended):** A method for producing an infectious influenza virus virion, which method comprises culturing the host cell of claim 12 25 under conditions that permit production of viral proteins and vRNA or cRNA, whereby an infectious influenza virus is produced.

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Claim 17 (32) (currently amended): A method for producing a pathogenic influenza virion, which method comprises culturing the host cell of claim 15 28 under conditions that permit production of viral proteins and vRNA or cRNA, whereby a pathogenic infectious influenza virus is produced.

**Claim 18 (39) (currently amended): A method for generating an attenuated influenza virus, which method comprises:**

- (a) mutating one or more viral genes in the composition of claim 14; and
- (b) determining whether infectious influenza viruses produced by the composition upon introduction into a suitable isolated host cell are attenuated.

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